

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, March 17, 2015

BROWN, DAMEION	H-66190	Tie Vote pursuant to Penal Code section 3041
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Motion: The Board finds the inmate suitable for parole for the reasons stated by the panel member who voted to grant parole at the inmate's January 28, 2015, hearing and adds the special condition of parole that the inmate have no unsupervised contact with children under the age of 12.

Motion by: **Labahn**
Second by: **Minor**
Not Present: **Roberts, Singh, Zarrinnam**
Abstained: **Anderson**

Decision: Motion approved by a majority of commissioners present.

GUTIERREZ, CESAR	H-47627	Referred by Chief Counsel
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Motion: Affirm the December 4, 2014, denial of parole, and schedule a re-hearing for the sole purpose of recalculating the prisoner's base term and adjusted base term.

Motion by: **Garner**
Second by: **Richardson**
Not Present: **Roberts**
Abstained:

Decision: Motion approved by a majority of commissioners present.

HARRIS, DATON	H-40985	Referred by Chief Counsel
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Motion: Affirm the panel's acceptance of the inmate's December 4, 2014, stipulation to unsuitability for parole for five years, and schedule a re-hearing for the sole purpose of recalculating the prisoner's base term and adjusted base term.

Motion by: **Richardson**
Second by: **Turner**
Not Present: **Roberts**
Abstained:

Decision: Motion approved by a majority of commissioners present.

Motion: Affirm the panel's February 10, 2015, decision to deny parole for three years for the reasons stated by the panel, which support a finding that the inmate still poses an unreasonable risk of danger to the public.

Motion by: **Peck**

Second by: **Richardson**

Not Present: **Roberts, Zarrinnam**

Abstained: **Turner**

Decision: Motion approved by a majority of commissioners present.

Motion: Vacate the December 17, 2014, decision to deny parole and schedule a new hearing based on a finding that the panel relied on information concerning a rules violation that should have been removed from the inmate's central file pursuant to California Code of Regulations, title 15, section 3326, subdivision (a), and order an investigation to determine what information, if any, related to the rules violation should be retained in the inmate's central file.

Motion by: **Garner**

Second by: **Labahn**

Not Present: **Roberts**

Abstained:

Decision: Motion approved by a majority of commissioners present.